

CA1  
MT 76  
- A66



Government  
Publications



# NATIONAL ENERGY BOARD REASONS FOR DECISION

In the Matter of Applications under  
The National Energy Board Act of

Foothills Pipe Lines (Alta.) Ltd.

For the Taking of  
Additional Lands

July 14, 1980





## NATIONAL ENERGY BOARD

IN THE MATTER of Applications dated the 5th and 8th days of May, 1980  
by Foothills Pipe Lines (Alta.) Ltd. for Authority to Take Additional  
Lands required for the Construction and Operation of a  
Pipeline pursuant to section 74 of the National Energy Board Act.

### NATIONAL ENERGY BOARD

#### REASONS FOR DECISION

Northern Pipeline Agency Files No. 8276, No. 8277 and No. 8278.

Heard at the Towns of Sundre and Carleton Place in the Province of  
Alberta, on the 16th and 17th days of June, 1980, respectively.

BEFORE:

#### In the Matter of Applications under The National Energy Board Act of

submitted to the powers, duties and functions delegated to it by the  
National Energy Board in its Order No. 80-1-21 dated the 27th day of  
July, 1978.

Foothills Pipe Lines (Alta.) Ltd.

#### APPEARANCES:

##### SUMMIT

|                |                                   |
|----------------|-----------------------------------|
| G.E. ANDERSON  | Foothills Pipe Lines (Alta.) Ltd. |
| IVAN NELSON    | For the Taking of                 |
| HARVEY DORRING | Land of Sundre                    |
| DAVID PETERSEN | Private                           |
| SA. MURRAY     | Private                           |
| L.G. JONES     | Northern Pipeline Agency          |

July 14, 1980

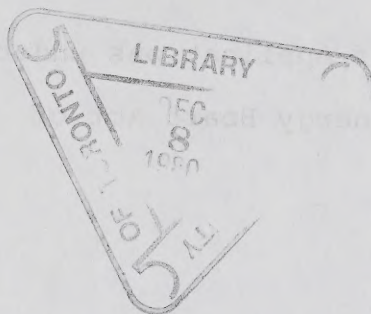
##### CO-COUNSEL

|               |                                   |
|---------------|-----------------------------------|
| G.E. ANDERSON | Foothills Pipe Lines (Alta.) Ltd. |
| DR. GLEN BELL | Private                           |
| G.A. PATT     | Private Citizen                   |
| G.A. MURPHY   | Private Citizen                   |
| KENNETH MULL  | Private Citizen                   |
| ROBERT KIVVIL | Queen E. MCKENNA, Pres.           |
| L.G. JONES    | Northern Pipeline Agency          |

Ce rapport est publié  
séparément dans les deux  
langues officielles.

NATIONAL ARCHIVE

RECORDS SECTION



For the making of

Additional copies

July 14, 1950

Co. Report est. 1947  
Department name for name  
Inquest of/1947



## NATIONAL ENERGY BOARD

IN THE MATTER of applications dated the 5th and 8th days of May, 1980 by Foothills Pipe Lines (Alta.) Ltd. for Authority to take Additional Lands required for the Construction, Maintenance and Operation of a Pipeline pursuant to section 74 of the National Energy Board Act.

Northern Pipeline Agency Files No. 8276, No. 8277 and No. 8278.

Heard at the Towns of Sundre and Cochrane both in the Province of Alberta, on the 16th and 18th days of June, 1980, respectively.

BEFORE:

W.A. Scotland, Designated Officer  
Northern Pipeline Agency,

pursuant to the powers, duties and functions delegated to him by the National Energy Board in its Order No. NPO-1-78 dated the 27th day of July, 1978.

### APPEARANCES:

#### SUNDRE

|                 |                                   |
|-----------------|-----------------------------------|
| G.E. ANDERSON   | Foothills Pipe Lines (Alta.) Ltd. |
| Ivan WELESCHUK  | UNIFARM                           |
| Harvey DOERING  | Town of Sundre                    |
| Donald PETERSEN | Private Citizen                   |
| G. MORGAN       | E.M.A. Holdings Ltd.              |
| L.G. GANNE      | Northern Pipeline Agency.         |

#### COCHRANE

|                |  |
|----------------|--|
| G.E. ANDERSON  | Foothills Pipe Lines (Alta.) Ltd.            |
| Dr. Stan BELL  | UNIFARM                                      |
| C.A. PRATT     | Private Citizen                              |
| R.A. BAPTIE    | Private Citizen                              |
| Kenneth ARNELL | Private Citizen                              |
| Robert RIVARD  | Duane B. BEREZOWSKI Professional Corporation |
| L.G. GANNE     | Northern Pipeline Agency                     |



## BACKGROUND

The National Energy Board Act (NEB Act) provides, under Section 73, that a pipeline company may without the consent of the owner take lands for right-of-way to a maximum breadth of sixty feet (18.288 m). Under Section 74<sup>(1)</sup> of the same Act, a company may apply to the National Energy Board (the Board) for authority to take additional lands without the consent of the owner if such lands are required for the efficient construction, maintenance or operation of a pipeline or for constructing or taking any works or measures ordered by the Board.

The Northern Pipeline Act was enacted to establish the Northern Pipeline Agency (the Agency) to facilitate the planning and construction of a pipeline which has become known as the Alaska Highway Gas Pipeline (AHGP). Foothills Pipe Lines (Alta.) Ltd. [Foothills (Alta.)] is the company which will own and operate the segments of the AHGP to be constructed in Alberta.

Subsection 6(1) of the Northern Pipeline Act provides for the delegation of certain powers, duties and functions of the Board under the NEB Act to the Designated Officer of the Northern Pipeline Agency. The Board by its Order No. NPO-1-78<sup>(2)</sup> delegated to William Alexander Scotland, Designated Officer and Deputy Administrator of the Northern Pipeline Agency its powers, duties and functions in respect of certain sections of the NEB Act including section 74 for the Canadian section of the AHGP. This hearing was conducted pursuant to those delegated powers.

---

(1) See Appendix I  
(2) See Appendix II



BACKGROUND

The National Energy Board Act (NEB Act) provides, under Section 13, that a pipeline company may without the consent of the owner take lands for right-of-way to a maximum breadth of sixty feet (18.288 m). Under Section 14(1) of the same Act, a company may apply to the National Energy Board (the Board) for authority to take additional lands without the consent of the owner if such lands are required for the efficient construction, maintenance or operation of a pipeline or for constructing or taking any works or measures ordered by the Board.

The Northern Pipeline Act was enacted to establish the Northern Pipeline Agency (the Agency) to facilitate the planning and construction of a pipeline from the Athabasca River to the coast of British Columbia. The Agency is the company which is to be constructed to carry out the project.

Subsection 6(1) of the Northern Pipeline Act provides for the delegation of certain powers, duties and functions of the Board under the NEB Act to the Designated Officer of the Northern Pipeline Agency. The Board by its Order No. NPO-1-78(2) delegated to William Alexander Scotland, Designated Officer and Deputy Administrator of the Northern Pipeline Agency its powers, duties and functions in respect of certain sections of the NEB Act including section 14 for the Canadian section of the ANPP. This hearing was conducted pursuant to those delegated powers.

(1) See Appendix I  
(2) See Appendix II



## THE APPLICATIONS

Foothills (Alta.) applied to the Board in five separate applications for authority to take additional lands along its proposed right-of-way within Zone 7<sup>(3)</sup> between kilometre posts 0.0 and 33.4 (Sundre Area), and between kilometre posts 58.6 and 125.3 (Cochrane Area).

The applications effectively would provide Foothills (Alta.) with a permanent right of way of 27 metres (88.6 feet) in breadth.

Foothills (Alta.) classified the additional lands applied for into two categories of linear land use:

Schedule "A" lands, being additional right-of-way on which Foothills (Alta.) may carry on pipeline construction and maintenance including ditching and installation of pipeline.

Schedule "B" lands, being additional right-of-way providing permanent working space adjacent to the sixty foot right-of-way, for which provision is made in section 73 of the NEB Act. The permanent working space lies entirely within an existing right-of-way of The Alberta Gas Trunk Line Limited (AGTL). The activities Foothills (Alta.) wishes to conduct on this permanent working space are the normal pipeline construction and maintenance activities limited generally to surface use. Ditching and laying pipe in the ditch cannot be done.

---

(3) Zone 7 is described in Schedule I to the Northern Pipeline Act as the route from Caroline, Alberta to the Alberta-British Columbia Border near Coleman, Alberta.





Foothills (Alta.) further applied for an additional 3.39 ha parcel to be acquired by grant of easement to provide a site for the installation of scraper traps which will serve both the western leg of its pipeline which is the subject of the present application and the eastern leg of its pipeline which is to be constructed next year. This parcel also will be the site for a scraper trap assembly for the northern leg and part of a compressor station site at some future date when the rest of the AHGP is constructed.





## EVIDENCE

The five applications are for tracts of land along two separate portions of right-of-way and were heard at two locations to accommodate the local interests of the two areas.

Foothills (Alta.) stated that it required the additional lands because the lands, sixty feet in breadth, which are permitted to be taken for right-of-way of a pipeline under section 73 of the NEB Act, are insufficient to allow Foothills (Alta.) to efficiently construct, maintain and operate its pipeline in accordance with accepted practices of the pipeline industry. Foothills (Alta.) requires a total of 27 metres of right-of-way, which includes the additional lands, for construction of the pipeline. This right-of-way will be used in a manner represented by Figure I.

Foothills (Alta.) noted that AGTL has a 100 foot (30.48 m) right-of-way adjacent to the Foothills (Alta.) right-of-way in which is installed a pipeline of the same diameter as Foothills (Alta.) proposes to construct.

The Town of Sundre opposed the taking of additional lands and stated that the Foothills (Alta.) right-of-way should be restricted to the minimum absolutely necessary width. The Town's objection also extended to the location of the proposed pipeline.

E.M.A. Holdings Ltd. (EMA) opposed the taking of additional lands as it is planning a housing subdivision adjacent to the AGTL right-of-way. EMA also expressed a concern over the responsibility for maintenance of the right-of-way in an urban area.





UNIFARM, an active farmers organization in Alberta, appearing at both Sundre and Cochrane did not support Foothills (Alta.) in its applications. UNIFARM expressed its concern over the procedure used in taking lands, compensation matters and the new land use category of "permanent working space".

Mr. Donald Petersen, appearing on his own behalf questioned Foothills (Alta.) on topsoil conservation matters.

Mr. C.A. Pratt, appearing on his own behalf opposed the detailed pipeline route and expressed concern over the environmental damage the additional right-of-way would have on his property.

Mr. R.A. Baptie questioned Foothills (Alta.) on its construction procedures.

The Duane B. Berezowski Professional Corporation made a motion requesting an order for denial of Foothills (Alta.)'s application in respect of the taking of its lands. After hearing argument, the Designated Officer ruled a denial of the motion.<sup>(4)</sup>

Mr. Kenneth Arnell, in a written submission, opposed the taking of additional lands and stated in his appearance at the hearing that he had nothing further to add.

200956 Developments Ltd. indicated opposition to the taking of additional lands in a letter to the Agency but made no written submission nor appeared at the hearing.

---

(4) See Appendix IV.






VIEWS OF THE DESIGNATED OFFICER

I conclude that Foothills (Alta.) requires the additional lands requested in these applications for the efficient construction, maintenance and operation of its proposed pipeline. The views and concerns expressed by those who appeared at the hearing to oppose the taking of additional lands were individually analyzed and the need for the additional permanent right-of-way involved (in most cases - five feet) outweighed the opposition expressed. The use of an overlapping right-of-way with AGTL by Foothills (Alta.) as permanent working space is, in my opinion, a responsible and efficient method of reducing the combined width of right-of-way and will reduce the total new land area which would otherwise be used during pipeline construction. I note that many concerns were expressed over topsoil conservation. I find that this issue and those related thereto, are addressed by sections 80, 81 and 82, as well as other sections, of the Northern Pipeline Socio-Economic and Environmental Terms and Conditions for the Province of Alberta, approved by the Governor in Council on July 3, 1980. Foothills (Alta.) is by law obliged to meet these requirements and I am satisfied the Agency's field surveillance and inspection staff will ensure compliance therewith during Construction.



DECISION

Having considered the evidence and argument presented to me with respect to the five applications of Foothills (Alta.) for leave to take additional lands and having taken into account all matters that appear to me to be relevant, I am satisfied that granting permission to Foothills (Alta.) to take the additional lands requested is necessary for the efficient construction, maintenance and operation of its proposed pipeline. I, therefore have issued orders authorizing the taking of such lands.

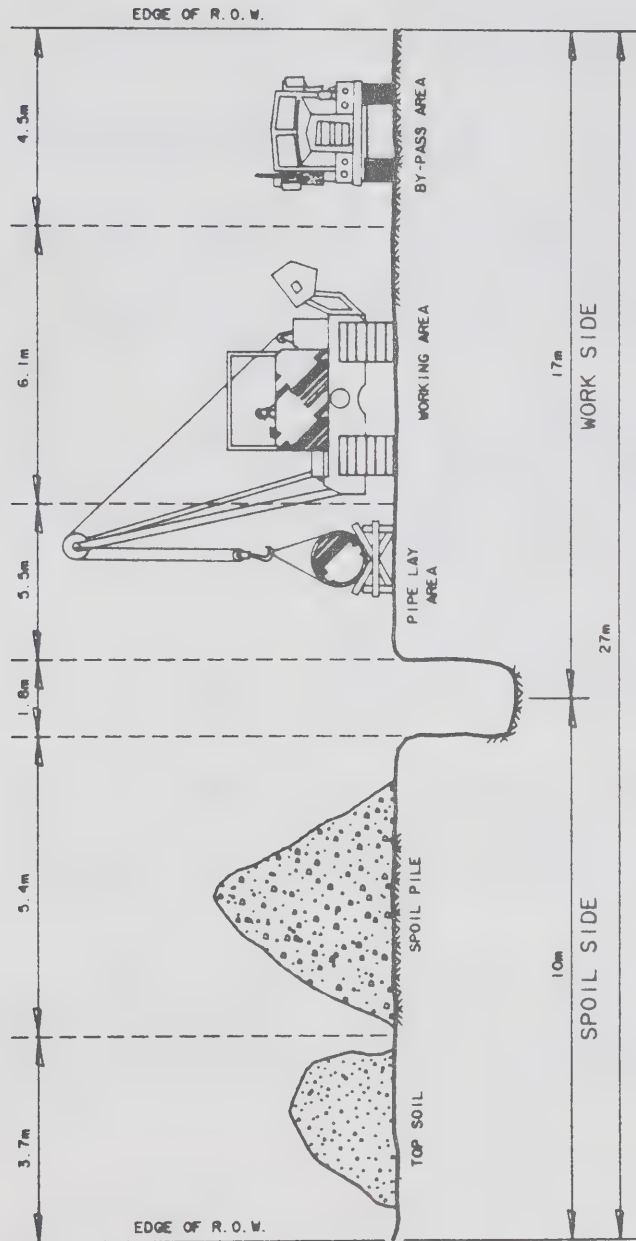
  
\_\_\_\_\_  
W.A. Scotland  
Designated Officer  
Northern Pipeline Agency

Calgary, Alberta July 14, 1980





FIGURE I  
(EXTRACTED FROM EXHIBIT NO. 41)



NORTHERN PIPELINE AGENCY  
CANADA

ALBERTA GAS TRUNK LINE  
ALASKA PROJECT DIVISION  
FOOTHILLS PIPE LINES (ALTA.) LTD.

DATE 79-01-08  
DRAWN M. BABOTT  
CHKD J.E.R.  
TITLE THE ALASKA HIGHWAY GAS PIPELINE PROJECT  
R.O.W. CONFIGURATION  
FOR 914mm WESTERN LEG

AP-7101-TSK-354

DPO (225, 137101)354 APP

| DATE | DRW | CHKD | REV | NO |
|------|-----|------|-----|----|
|      |     |      |     |    |
|      |     |      |     |    |
|      |     |      |     |    |
|      |     |      |     |    |
|      |     |      |     |    |
|      |     |      |     |    |
|      |     |      |     |    |
|      |     |      |     |    |
|      |     |      |     |    |





SECTION 74 OF THE NATIONAL ENERGY BOARD ACT

74.(1) Where a company at any time requires more ample space than it possesses or may take under section 73, for the efficient construction, maintenance or operation of a pipeline or for constructing or taking any works or measures ordered by the Board, it may apply to the Board for authority to take, without the consent of the owner, the additional lands required for such purposes.

(2) The Board shall set a time for the hearing of the application which shall be sufficient to permit at least twenty-one days notice thereof to be given by the company to the owners or possessors of the additional lands required, and the company shall give notice thereof accordingly and shall, upon such hearing, furnish to the Board copies of such notices, with affidavits of the service thereof.

(3) The company, upon the application, shall also furnish to the Board such plans, profiles and books of reference and additional information as the Board may require.

(4) After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion and upon such terms and conditions as it deems expedient, authorize in writing the taking for the said purposes of the whole or any portion of the lands applied for.

(5) Copies of the authorization of the Board and of the plan, profile and book of reference, certified as such by the Secretary of the Board shall be deposited with the registrars of deeds of the districts or counties in which the lands are situated.



NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

ORDER NO. NPO-1-78

IN THE MATTER OF the Northern Pipeline Act; and

IN THE MATTER OF the delegation by the National Energy Board of certain of its powers, duties and functions under the National Energy Board Act, pursuant to subsection 6(1) of the Northern Pipeline Act.

B E F O R E the Board on Thursday, the 27th day of July, 1978.

WHEREAS the Governor in Council having, by Order in Council P.C. 1978-1631, dated the 11th day of May, 1978, and pursuant to subsection 5(4) of the Northern Pipeline Act, designated William Alexander Scotland, an Associate Vice-Chairman of the Board, as a deputy to the Administrator of the Northern Pipeline Agency, effective the 15th day of May, 1978;

AND WHEREAS William Alexander Scotland, as a deputy to the said Administrator, is the "designated officer" within the meaning of subsection 2(1) of the Northern Pipeline Act;

AND WHEREAS the National Energy Board may, by order, in respect of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act, delegate to the designated officer certain of the powers, duties and functions of the Board under the National Energy Board Act, as more particularly set forth in subsection 6(1) of the Northern Pipeline Act;

AND WHEREAS the National Energy Board considers it necessary and desirable to delegate to the designated officer certain of its powers, duties and functions under the National Energy Board Act in respect to the pipeline referred to in subsection 2(1) of the Northern Pipeline Act;

1. IT IS ORDERED THAT the powers, duties and functions of the National Energy Board under the following provisions of the National Energy Board Act, namely:

subsections 29(2) and 29(4)  
subsection 32(2)  
section 35





- 2 -

subsections 36(2) and 36(3)  
section 37  
section 68  
section 71  
section 76  
section 77

be and the same are hereby delegated to the designated officer, solely in respect of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act.

2. AND IT IS FURTHER ORDERED THAT, for the purpose only of exercising and performing the powers, duties and functions of the Board set forth in paragraph 1 of this Order in respect of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act, the powers of the National Energy Board under the following provisions of the National Energy Board Act, namely:

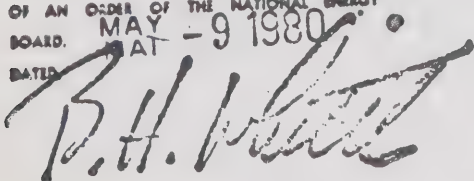
subparagraphs 7(a) and 7(b)  
subsection 10(3)  
section 11  
section 12  
subsection 14(2)  
section 16  
subsection 17(1)  
subsection 20(3)

be and the same are hereby delegated to the designated officer.

3. AND IT IS FURTHER ORDERED THAT the delegation by the Board of its powers, duties and functions as set out in paragraphs 1 and 2 hereof, shall be effective on the 27th day of July, 1978, in respect of the whole of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act, and shall terminate in respect of each section of the said pipeline on the day on which the Board grants leave to open, pursuant to section 38 of the National Energy Board Act, for each such section of the said pipeline.

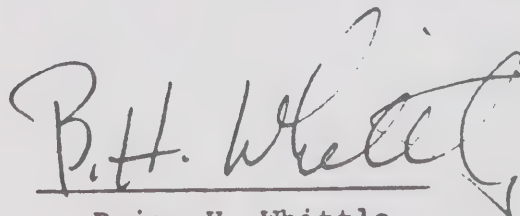
NATIONAL ENERGY BOARD  
CANADA

EXAMINED AND CERTIFIED TO BE A TRUE COPY  
OF AN ORDER OF THE NATIONAL ENERGY  
BOARD.  
MAY - 9 1980  
DATED



SECRETARY, NATIONAL ENERGY  
BOARD, OTTAWA, CANADA

NATIONAL ENERGY BOARD

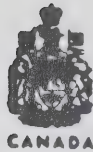


Brian H. Whittle  
Secretary





NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

ORDER NO. NP-MH-2-80

IN THE MATTER OF the National Energy Board Act and the Regulations made thereunder; and

IN THE MATTER OF five (5) Applications made by Foothills Pipe Lines (Alta.) Ltd. (hereinafter called "the Applicant") for authority to take, without the consent of the owners, certain additional lands required for the construction, maintenance and operation of the pipeline of the Applicant pursuant to the provisions of section 74 of the said Act; and

IN THE MATTER OF ORDER NO. NPO-1-78, dated the 27th day of July, 1978, made by the National Energy Board pursuant to the provisions of subsection 6(1) of the Northern Pipeline Act, whereby the Board did delegate to William Alexander Scotland as Designated Officer, Northern Pipeline Agency, certain of its powers, duties and functions under the National Energy Board Act, including the provisions of section 74 of the said Act, in respect of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act.

Agency Files No. 8276, No. 8277 and No. 8278.

B E F O R E the Designated Officer on Wednesday, the 14th day of MAY, 1980.

UPON reading the Applications, three (3) dated the 5th day of May, 1980 and two (2) dated the 8th day of May, 1980, made by the Applicant:



- 2 -

IT IS ORDERED THAT

1. The Applications will be heard
  - (i) in the "Elks Hall", located at the corner of 1st Avenue and 2nd Street South West, in the Town of Sundre, on the 16th and 17th days of June, 1980, and
  - (ii) in the "Cochrane Community Hall" (Lower Hall), located at 209-2nd Avenue West, in the Town of Cochrane, on the 18th and 19th days of June, 1980,all in the Province of Alberta, commencing each day at the hour of 9:30 A.M. local time.
2. Notice of the hearing in the form prescribed by the Designated Officer, Northern Pipeline Agency, as set forth in the Notice attached to and which forms part of this Order shall be published by the Applicant not later than the 23rd day of May, 1980 in one issue each of the "Calgary Herald" and the "Calgary Albertan" both in the City of Calgary, in the Province of Alberta, and as soon as possible in the "Canada Gazette".
3. Notice of the hearing shall forthwith be given by the Applicant by service of a true copy of this Order and of the applications filed, upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario), Unifarm Associates (at 9934-106th Street, Edmonton, Alberta) and the owners or possessors of the additional lands required, not less than twenty-one (21) days prior to the date set down for the hearing, and the Applicant shall, upon such hearing, furnish to the Designated Officer, Northern Pipeline Agency, copies of such notices with the affidavits of the service thereof.
4. Any respondent or intervenor intending to oppose or intervene in the applications shall file, on or before the 6th day of June, 1980, with the Designated Officer, Northern Pipeline Agency, four (4) copies of a

...3





- 3 -

written statement containing his/her reply or submission, together with any supporting information, particulars or documents, which shall contain a concise statement of the facts from which the nature of the respondent's or intervenor's interest in the proceedings may be determined, which may admit or deny any or all of the facts alleged in the applications, which would also indicate at which of the two locations set out in 1. hereof, the respondent wishes his/her intervention to be heard, and which shall be endorsed with the name and address of the respondent or intervenor or his/her solicitor to whom communications may be sent. Any respondent or intervenor shall, in addition, serve three (3) copies of his/her reply or submission, and supporting information, particulars or documents upon the Applicant and one (1) copy each upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario) and Unifarm Associates (at 9934-106th Street, Edmonton, Alberta).

5. Any interested party may examine a copy of the applications and the submissions filed therewith at the office of:

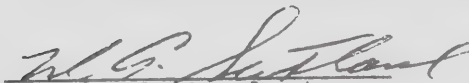
Northern Pipeline Agency  
4th Floor - Shell Centre  
400 Fourth Avenue South West  
Calgary, Alberta  
T2P 0J4

or at the office of the Applicant's Agent:

The Alaska Project Division of  
The Alberta Gas Trunk Line Company Limited  
104 Fourth Avenue South East  
Calgary, Alberta  
(Please contact Michael J. Vaselenak,  
Supervisor,  
Regulatory Affairs).

Dated at the City of Calgary, in the Province of Alberta, this  
14th day of May, 1980.

NATIONAL ENERGY BOARD

  
W.A. Scotland  
Designated Officer,  
Northern Pipeline Agency.



NATIONAL ENERGY BOARD  
NOTICE OF HEARING

TAKE NOTICE that pursuant to the National Energy Board Act and the Regulations made thereunder, the Designated Officer, Northern Pipeline Agency, has ordered a hearing to be held

- (i) in the "Elks Hall", located at the corner of 1st Avenue and 2nd Street South West, in the Town of Sundre, on the 16th and 17th days of June, 1980, and
- (ii) in the "Cochrane Community Hall" (Lower Hall), located at 209-2nd Avenue West, in the Town of Cochrane, on the 18th and 19th days of June, 1980,

all in the Province of Alberta, commencing each day at the hour of 9:30 A.M. local time, to hear the Applications of Foothills Pipe Lines (Alta.) Ltd. for leave to take, without the consent of the owners, certain additional lands pursuant to the provisions of section 74 of the Act consisting of:

- (a) "Additional Right-of-Way", containing by admeasurement a total of approximately 15.5 hectares (about 38 acres),
- (b) "Permanent Working Space", containing by admeasurement a total of approximately 24 hectares (about 60 acres), and
- (c) "Temporary Working Space", containing by admeasurement a total of approximately 350 square meters (about one tenth of an acre),

in two (2) areas,

- (i) in the vicinity of the Town of Sundre, extending from a point at or near the north boundary of the South East Quarter of Section 26, Township 34, Range 6, West of the 5th Meridian, which point lies approximately two km north of a navigable water, known as "James River", to a point within the South East Quarter of Section 23, Township 31, Range 5, West of the 5th Meridian, which point lies approximately three km north of a creek, known as "Elkton Creek", and
- (ii) in the vicinity of the Town of Cochrane, extending from a point at or near the north boundary of the North East Quarter





- 2 -

of Section 32, Township 28, Range 4, West of the 5th Meridian, to a point at or near the northerly bank of a navigable water, known as "Elbow River", situated in part of the North East Quarter of Section 10, Township 24, Range 4, West of the 5th Meridian,

all in the Province of Alberta, required for the efficient construction, maintenance and operation of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act and as more particularly described in the said Applications.

AND THE DESIGNATED OFFICER, NORTHERN PIPELINE AGENCY, HAS FURTHER ORDERED THAT:

1. Any respondent or intervenor intending to oppose or intervene in the applications shall file, on or before the 6th day of June 1980, with the Designated Officer, Northern Pipeline Agency, four (4) copies of a written statement containing his/her reply or submission, together with any supporting information, particulars or documents, which shall contain a concise statement of the facts from which the nature of the respondent's or intervenor's interest in the proceedings may be determined, which may admit or deny any or all of the facts alleged in the applications, and which shall be endorsed with the name and address of the respondent or intervenor or his/her solicitor to whom communications may be sent. Any respondent or intervenor shall, in addition, serve three (3) copies of his/her reply or submission, and supporting information, particulars or documents upon the Applicant and one (1) copy each upon the Attorney General of the Province of Alberta, the Canadian Federation of Agriculture (at 111 Sparks Street, Ottawa, Ontario) and Unifarm Associates (at 9934-106th Street, Edmonton, Alberta).

2. Any interested party may examine a copy of the applications and the submissions filed therewith at the office of:

...3



- 3 -

Northern Pipeline Agency  
4th Floor - Shell Centre  
400 Fourth Avenue South West  
Calgary, Alberta  
T2P 0J4

or at the office of the Applicant's Agent:

The Alaska Project Division of  
The Alberta Gas Trunk Line Company Limited  
104 Fourth Avenue South East  
Calgary, Alberta,  
(Please contact Michael J. Vaselenak  
Supervisor,  
Regulatory Affairs).

DATED at the City of Calgary, in the Province of Alberta, this  
14th day of May, 1980.

NATIONAL ENERGY BOARD

"W. A. Scotland"

W. A. Scotland

Designated Officer,  
Northern Pipeline Agency.





NATIONAL ENERGY BOARD



OFFICE NATIONAL DE L'ÉNERGIE

ORDER NO. NP-PO-1-NP-MH-2-80

IN THE MATTER OF the National Energy Board Act and the Regulations made thereunder; and

IN THE MATTER OF applications by Foothills Pipe Lines (Alta.) Ltd. for authority to take for pipeline purposes certain "Additional Right-of-Way", "Permanent Working Space" and "Temporary Working Space" on, over and across certain lands, in the Province of Alberta, pursuant to the provisions of section 74 of the said Act; and

IN THE MATTER OF ORDER NO. NPO-1-78, dated the 27th day of July, 1978, made by the National Energy Board pursuant to the provisions of subsection 6(1) of the Northern Pipeline Act, whereby the Board did delegate to William Alexander Scotland as Designated Officer, Northern Pipeline Agency, certain of its powers, duties and functions under the National Energy Board Act, including the provisions of section 74 of the said Act, in respect of the pipeline referred to in subsection 2(1) of the Northern Pipeline Act; and

IN THE MATTER OF a motion by Robert Rivard on behalf of Duane B. Berezowski Professional Corporation, made on the 18th day of June, 1980 at a Hearing held in the Town of Cochrane, in the Province of Alberta, requesting denial of the applications made by Foothills Pipe Lines (Alta.) Ltd. insofar as same apply to a certain portion of the South East Quarter of Section 20, Township 28, Range 4, West of the 5th Meridian, in the Province of Alberta, owned by Duane B. Berezowski Professional Corporation.

Agency Files No. 8277 and No. 8278.

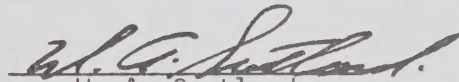


- 2 -

UPON HAVING CONSIDERED the motion brought before me by Robert Rivard set out in an Exhibit, identified as "Ex. 111c", and the arguments made in support thereof by Robert Rivard, as well as the comments and argument by counsel for Foothills Pipe Lines (Alta.) Ltd. and the views of counsel to this Hearing, and having considered all the facts which appear to be relevant, I HEREBY deny the motion.

Dated at the Town of Cochrane, in the Province of Alberta, this 18th day of June, 1980.

NATIONAL ENERGY BOARD

  
W. A. Scotland  
Designated Officer,  
Northern Pipeline Agency.

NP-PO-1-NP-MH-2-80









